



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 14th June 2018

Subject: PREAPP/17/00590 - Pre-application presentation for 160 Apartments, Land East of Carlton Gate and North of Clay Pit Lane.

Applicant: Keepmoat Regeneration Ltd

Electoral Wards Affected:

Little London & Woodhouse

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The applicant will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 Introduction:

- 1.1 This pre-application presentation relates to a council owned site for a proposed major residential development of 160 apartments consisting of a mix of 1, 2 and 3 bedroom units. Pre-application discussions have been ongoing for some time and the proposed scheme has been the subject of various amendments. The proposed scheme has also been presented twice to the council's internal Planning Board for discussion.
- 1.2 The initial scheme presented in December 2017 was for a single eleven storey block of 213 residential units with associated parking, greenspace and commercial space. The scheme involved an angular shaped development, with landscaping and car parking and commercial space at ground level. The apartments comprised of a mixture of 1, 2 and 3 bedroom apartments. The proposal involved the complete removal of a landscaped bund facing onto Clay Pit Lane. At the time, Planning Board raised significant reservations about the design approach and ambitions of the developer. On the grounds that the removal of the buffer, in its entirety, would pose a great loss to the general green infrastructure of the area.

- 1.3 Furthermore, it was also considered that the angular plan form did not respond to the surrounding urban context. In terms of the proposed aesthetics, it was considered that the submitted drawings were visually too heavy which is out of character with its surroundings.
- 1.4 It was agreed that the developer should reconsider the design approach by considering buildable areas within the site which seeks to maintain the integrity of the bund and tree cover and responds more positively to the urban context. It was also suggested that given the difference in levels across the site, there may be an opportunity to accommodate, at the lowest point, a taller, but slimmer building with a lower form and less massing stepping down.
- 1.5 In response the applicant produced two draft re-design options taking into account the issues raised above and a tree survey of the site and this was presented to Planning Board in May.
- 1.6 Both options involve a proposed development ranging from a 5 to 15 storey development providing 160 apartments. The first option cuts into part of the mound and would require a significant 6 metre high retaining wall, which given the stand-off distance required, creates a sterile shaded space. Although a number of trees are shown as retained, the likelihood is that during the construction of the retaining wall, the trees will become adversely affected resulting in further direct loss or threatening their long term survival.
- 1.7 The second option, which is contrary to Planning Boards previous suggestions, but is the applicant's preference, proposes the complete removal of the mound and landscaping with a re-profiled landform. This is designed to create a public pocket park with amenity space, seating and re-contoured landscape, providing informal recreation, natural surveillance and trees to soften the impact of the proposal.
- 1.8 Planning Board agreed that this revised option, together with the amended design, represented a better overall solution as the surrounding landscape would be more useable and removed the need for retaining walls providing a better outlook for existing and prospective residents. It was agreed that the option to remove the landscaped bund and planting with a re-profiled landform to provide a more attractive and useable landscaped area should be considered further through the pre-application process and inviting Member comments through a pre-application presentation.
- 1.9 The work-in-progress proposals are therefore presented to Panel by the applicant to allow Members to comment on the evolving scheme and raise any issues, prior to the submission of a full planning application.

2.0 Site and Surroundings:

- 2.1 The site lies adjacent to Clay Pit Lane on the edge of the city centre which forms the southern boundary. To the west lies housing and Carlton Barracks and to the east Lovell Park Road. To the north lies further housing and apartment blocks. To the south of the site is an embankment which contains mature trees and buffer planting adjacent to Clay Pit Lane. The site is an irregular shape and slopes from west to east. The site comprises of brownfield and greenfield land. This site, and the wider area, was previously developed and contained tower blocks and a number of maisonettes which were demolished and cleared in preparation for redevelopment and regeneration of the area.

- 2.2 The housing in this area has been recently constructed as part of a wider PFI regeneration programme aimed at improving the quality of housing provision and tackling issues of poor economic investment and social and environmental deprivation.
- 2.3 The initial PFI programme included proposals for the development of this site consisting of private and social housing offering a mixed tenure approach to regeneration and to support the longer term sustainability of the area. Following the down turn of the market, at that time, the original scheme was scaled down to take account of this market change. Part of this pre application site was set aside until market conditions improved and was laid out as temporary open space.

3.0 Proposal

- 3.1 The proposal is for a total of 160 flats, made up of one-bedroom flats, two-bedroom flats, and three-bed flats. Detailed internal drawings have not been submitted but the flat sizes would need to satisfy, as a minimum requirement, the Leeds Standard and the Nationally Described Space Standard of:
- 1 person 1 bed apartment – 44m²
 - 3 person 2 bed apartment – 67m²
 - 4 person 3 bed apartment – 79m²
- 3.2 The scheme comprises of one rectilinear tower block ranging from 5 to 15 storeys. The highest element of the tower is positioned on the lowest part of the site and steps down to 5 storeys utilising the changes in levels. The layout has been designed to provide a defined frontage to the building base to help create a sense of presence and articulated through repeating rhythms. The top of the tower is slimmer to help improve verticality, improve articulation and reduce the scale and massing of the block. 16 car parking spaces are proposed within an undercroft area. Amenity space is provided to create a public pocket park with amenity space, seating and re-contoured landscape, providing informal recreation, natural surveillance and trees to soften the impact of the proposal.

4.0 Relevant Planning History and History of Negotiations

- 4.1 Outline planning permission was granted in 2008 under ref 08/02857/LA. The application was varied under ref 10/02792/LA and, as described above, as part of a number of variations to the original planning permission, this site was removed from the development. The original design and access statement did however show a general layout proposal for this site with a development providing an urban townscape overlooking and framing a central crescent of public open space. The blocks were drawn in a circular form and ranged in scale gradually stepping down the slope of the site. The initial layout showed the landscape buffer facing Clay Pit Lane retained and enhanced.

5.0 Consultations

- 5.1 Highways – comments summarised below.
- 5.2 LCC Landscape - Landscape comments below relate to the original scheme tabled at the December Planning Board but the description and landscape value of the mound remains constant. These are summarised as follows:

Apart from all the visual attributes the combined earthworks and trees provide an important sound and air quality insulation from the busy A58 (and nearby inner city ring road) to the residential properties. The construction of this buffer is likely to have been a strategic part of the original town planning of the area and this has been retained as part of the recent redevelopment of the locality so it would be very regrettable to lose it now. This would pose a great loss to the general Green Infrastructure of Leeds.

6.0 Relevant Planning Policies

6.1 The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Now that the Core Strategy has been adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any Neighbourhood Plan, once Adopted

These development plan policies are supplemented by supplementary planning guidance and documents.

6.2 Leeds Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

- Spatial Policy 7 – Sets out the spatial distribution of the district wide housing requirement between Housing Market Characteristic Area.
- Policy H3 Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.
- Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.
- Policy H5 Affordable Housing. The affordable housing requirement would be 5% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings
- Policy G4 Greenspace provision - Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm, is important and is currently being discussed with the developer. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.
- Policy P12 states that landscapes will be conserved and enhanced.

- Policies T1 and T2 identify transport management and accessibility requirements for new development.
- Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, a 20% improvement on building regulations and at least 10% low or zero carbon energy generation on-site is required.
- Policy ID2 Planning obligations and developer contributions

6.3 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

The site lies on the edge of the City Centre. The site is not allocated as greenspace in the Saved UDPR. Saved policies that are relevant to this scheme are:

GP5 all relevant planning considerations

BD2 new buildings

LD1 landscaping

6.4 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. Policies regarding sustainable drainage, land contamination, coal risk and recovery, air quality and trees are relevant to this scheme.

6.5 **Relevant Supplementary Planning Documents/Guidance includes:**

SPG Neighbourhoods for Living

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

SPD Parking

SPD Travel Plans

6.6 **National Planning Policy Framework (NPPF)**

The NPPF sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It states that planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).

6.7 The NPPF also considers the importance of promoting sustainable patterns of travel, including public transport. The Government attaches great importance to the design of the built environment. Section 7 (paragraphs 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality.

6.8 **Other Material Considerations**

6.9 **The Leeds Standard and the Nationally Described Space Standard**

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector.

Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seeks to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, they are currently used to help inform decisions on the acceptability of development proposals.

7.0 Issues

7.1 Principle of use and design concept

7.2 Although the principle of development has already been established following the granting of an outline planning permission for residential development, it was not envisaged that this would result in the total loss of the landscape bund fronting onto Clay Pit Lane. This feature together with its mature tree cover is seen as part of the city's green infrastructure, and although not allocated as public open space, performs an important visual function.

7.3 In terms of context, there are taller buildings in the area but they are on sites on the other side of Clay Pit Lane and Lovell Park Road. Any development on this site should be seen as transition development between those taller buildings and the generally lower buildings of the immediate context. Equally, across the site there are substantial changes in levels and at the lowest point this presents an opportunity to accommodate a tall building, with a lower form and less massing stepping down.

7.4 Any application would need to be supported by noise and air quality reports to demonstrate the provision of adequate amenity for future residential occupiers, and these documents should set out measures to mitigate any identified environmental issues, such as high specification double or triple glazing systems and appropriately filtered mechanical ventilation systems.

Affordable Housing

7.5 The affordable housing policy requirement on this site is 5%. The prospective applicant is proposing a 'flexi rent model'. The applicant is proposing that the flexi-rent scheme will be tenure blind with an identical specification and service for all apartments. The scheme is of sufficient scale to enable people to naturally move in or out, thus allowing the flexibility for rents to move up or down, as required, to maintain the defined income from the scheme. The total rent for the scheme will be linked to inflation while the percentage of discounted versus full price apartments within the scheme will flex to account for changes in open market rents and affordability.

7.6 On this basis it is proposed that the development will initially provide 20% of the apartments as Affordable Homes, operated under the Flexible Rent mechanism, of which 7.5% of the apartments will be let in perpetuity as Affordable Housing which is above policy requirements. The affordable homes will be pepper-potted across the scheme and managed as one single tenure blind community alongside the market rented apartments.

7.7 All of the Affordable Housing units will be let at Affordable Rents which will be capped at 80% of the market rent of other comparable rented properties in the area but not to

the policy compliant Lower Decile / Lower Quartile earning levels. Members have previously approved this type of rental product on other Affordable Housing units secured in PRS / Build to Rent schemes.

7.8 The applicant will offer the council Nomination Rights on first and subsequent lets which will be secured via a Nomination Agreement and Local Lettings Policy (LLP). The proposed LLP intends to give preference to economically active households, keyworkers, Emergency Service and Armed Forces Personnel, city centre workers and other eligible households. The LLP will be operated and managed by Housing Leeds who have been consulted and are comfortable with this proposal.

7.9 Greenspace, public realm and pedestrian routes

7.10 The siting of the building, provision of public realm, balance of hard and soft landscaping, and location of future pedestrian routes, would need to be carefully considered to create a sense of place and ensure good pedestrian connections linking the site, and the wider area to the city centre.

7.11 Core Strategy Policy G4 requires that 80 square metres of greenspace is provided per dwelling in this location. However, due to the high density of the proposal, there will be a shortfall in on-site greenspace provision. This would lead to a commuted sum requirement of £508,968.70 based on the percentage of accommodation. This sum would normally need to be targeted towards an identified scheme for new public space or improvements to existing provision.

7.12 Highways and Transportation

7.13 Part of the work undertaken in regenerating the area under the PFI scheme aimed to address parking issues in the area including improving parking for residents in existing accommodation and provision of parking for the new development at a level agreed through extensive surveys. These surveys led to a figure of 0.7 spaces per unit based on existing car ownership averages in the area. Significant TROs and traffic calming measures were introduced to prevent commuter parking and to control parking that was occurring as a result of arena events. Given the time that has lapsed since that work was undertaken the survey work should be revisited if a reduction from the previously agreed figure (70%) is to be considered, the current proposal of 16 spaces for 160 flats (10%) falls some way short of what might be considered to be an acceptable or workable level of provision.

7.14 In order to support an application an extensive survey would be required to identify parking controls within 800m of the site and to identify existing levels of on street parking demand in that area. A survey of adjoining resident blocks and the number of car owners amongst occupants would also help to inform whether the level of provision would be workable. However, a proportion of prospective residents may have an expectation to have use of a car albeit they would not be eligible for a permit to park on any of the adjoining streets. The council's highway engineer considers that car parking provision is increased to accommodate the likely demand, otherwise there is some likelihood of cars being left on the highway in remote locations from the site.

7.15 A Transport Statement and Travel Plan would be required with any application to demonstrate the accessibility options available at the site and how car parking provision would be addressed at the development.

- 7.16 The sections through indicate that the existing bund would be reduced to around 2m in height but it is not clear what the levels would be at the narrower sections of the bund or if it would provide adequate segregation between the public park area and Clay Pit Lane. The building comes within 6m of the road and the hard standing is approx. 3m, additional cross sections and long sections should be provided to demonstrate how accessible the road would be to residents as additional fencing may be appropriate.
- 7.17 A retaining wall appears to be indicated on the landscape sketch within 3m of the structure supporting Lovell Park Road, the building appears to be just over 5m from the road. A minimal amount of space also appears to be left between the hard landscaping and the steps up to Lovell Park Road. Additional cross sections and long-sections are required adjacent to these structures, a minimum 5m easement is normally required for maintenance purposes.
- 7.18 The indicative number of bin and cycle stores may not be adequate for the proposed number of flats and this will need to be reviewed.

7.19 Planning obligations and Community Infrastructure Levy (CIL)

7.20 If acceptable, likely Section 106 agreement obligations would be:

- 7.5% affordable housing on-site with a pro-rata mix of units
- On-site publicly accessible greenspace
- Off-site greenspace contribution £508,968.70
- Sustainable Travel Fund £TBC
- Travel plan monitoring fee £TBC
- Cooperation with local jobs and skill initiatives

7.21 CIL charging is applicable and based on the floorspace provided.

7.22 Members should note that the developer has indicated that it may not be viable however to meet all of the normal planning obligation requirements. It is anticipated therefore that a viability appraisal will be submitted in support of their case to justify this position. In these circumstances the report will need to be independently assessed on behalf of the council by the District Valuer. The findings of any such assessment will be presented to Members in due course.

8.0 Conclusion

8.1 The proposal presents the opportunity to complete the development and frame the central piece of open space within the Carlton Gate neighbourhood. The scheme would also deliver 160 dwellings as well as the delivery of 7.5% affordable housing provision. Other potential planning obligations may not be met however due to viability concerns raised by the applicant.

Members are respectfully asked to provide responses to the following questions:

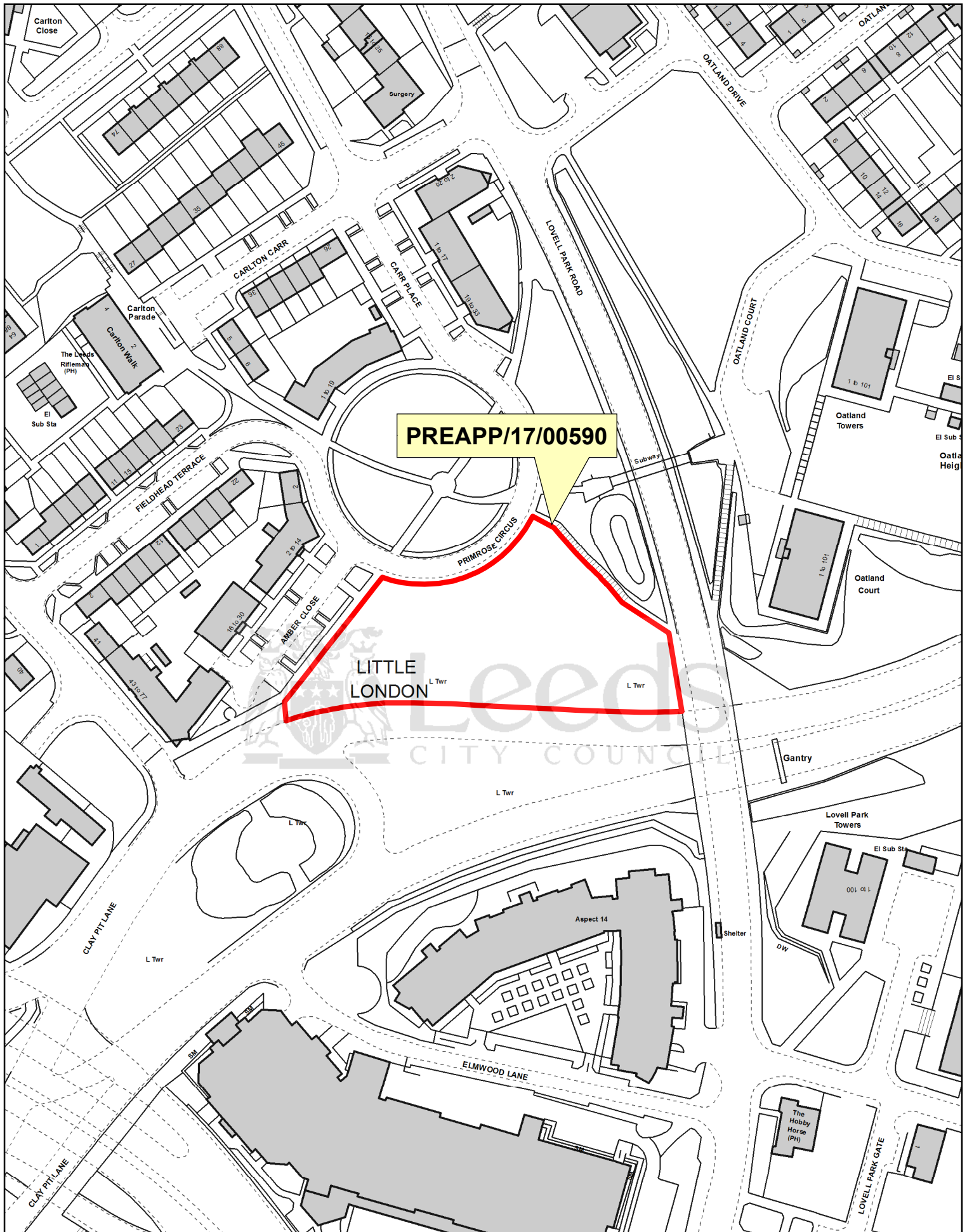
8.2 Do Members support the loss of the existing bund and green infrastructure?

8.3 Do Members support the emerging layout, scale and design?

- 8.4 Do Members support the affordable housing strategy?**
- 8.5 Do Members support the emerging amenity space, public realm and landscape design principles?**
- 8.6 What are Members views to the approach to parking, vehicular access and pedestrian connectivity?**

Background Papers:

Pre-application file: PREAPP/17/00590



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